


By 

FILED FEB 18 1997

H.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting employment discrimination against certain
correctional officers employed by the Texas Department of Criminal
Justice for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by
adding Section 493.022 to read as follows:

Sec. 493.022. POLYGRAPH EXAMINATION. A correctional officer
employed by the department who is the subject of a written
complaint made by or filed with the department may not be
suspended, discharged, or subjected to any other form of employment
discrimination by the department because the officer refuses to
take a polygraph examination.

SECTION 2. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.

SENT TO SENATE

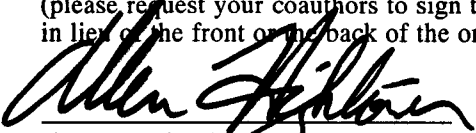
75TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 1422


signature of primary author

Allen Hightower
printed name of primary author

FEB 18 1997
Date

PERMISSION TO SIGN HB 1422 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES
☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2645 Cuellar</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2115 Allen</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2670 Danburg</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2135 Averitt</u>	<u> </u> Date	<u>A2675 Davila</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2625 Davis</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date
<u>A2200 Berlanga</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A3385 Denny</u>	<u> </u> Date	<u>A3020 Grusendorf</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date
<u>A2260 Brimer</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A2695 Hamric</u>	<u> </u> Date
<u>A2400 Carter</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date	<u>A3345 Hawley</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date
<u>A2525 Christian</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A3230 Hernandez</u>	<u> </u> Date
<u>A2520 Clark</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3240 Hightower</u>	<u> </u> Date
<u>A2435 Coleman</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date	<u>A3310 Hilbert</u>	<u> </u> Date
<u>A2565 Cook</u>	<u> </u> Date	<u>A2830 Finnell</u>	<u> </u> Date	<u>A3250 Hilderbran</u>	<u> </u> Date
<u>A2595 Corte</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date	<u>A3275 Hill</u>	<u> </u> Date
<u>A2600 Counts</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date	<u>A3270 Hinojosa</u>	<u> </u> Date
<u>A2605 Crabb</u>	<u> </u> Date	<u>A2910 Galloway</u>	<u> </u> Date	<u>A3285 Hirschi</u>	<u> </u> Date
<u>A2610 Craddick</u>	<u> </u> Date	<u>A2930 Garcia</u>	<u> </u> Date	<u>A3305 Hochberg</u>	<u> </u> Date

For chief clerk use only
Bill or Resolution Number: HB 1422

A3290 Hodge	Date	A3845 McReynolds	Date	A4435 Shields	Date
A3295 Holzheuser	Date	A3840 Merritt	Date	A4445 Siebert	Date
A3300 Horn	Date	A3850 Moffat	Date	A4525 Smith	Date
A3315 Howard	Date	A3860 Moreno	Date	A4530 Smithee	Date
A3355 Hunter	Date	A3865 Mowery	Date	A4550 Solis	Date
A3360 Hupp	Date	A3885 Naishtat	Date	A4505 Solomons	Date
A3375 Iselt	Date	A3895 Nixon	Date	A4515 Staples	Date
A3380 Jackson	Date	A3875 Oakley	Date	A4510 Stiles	Date
A3415 Janek	Date	A3880 Oliveira	Date	A4570 Swinford	Date
A3405 Jones, Delwin	Date	A3886 Olivo	Date	A4585 Talton	Date
A3400 Jones, Jesse	Date	A4010 Palmer	Date	A4605 Telford	Date
A3440 Junell	Date	A4070 Patterson	Date	A4630 Thompson	Date
A3460 Karnel	Date	A4180 Pickett	Date	A4635 Tillery	Date
A3475 Keel	Date	A4185 Pitts	Date	A4640 Torres	Date
A3480 Keffer	Date	A4110 Place	Date	A2730 Turner, Bob	Date
A3465 King	Date	A4190 Price	Date	A4685 Turner, Sylvester	Date
A3485 Krusee	Date	A4200 Puente	Date	A4690 Uher	Date
A3490 Kubiak	Date	A4230 Rabuck	Date	A4720 Van de Putte	Date
A3450 Kuempel	Date	A4210 Ramsay	Date	A4990 Walker	Date
A3510 Laney	Date	A4240 Rangel	Date	A4995 West	Date
A3605 Lewis, Glenn	Date	A4235 Reyna	Date	A5035 Williams	Date
A3600 Lewis, Ron	Date	A4245 Reyna, Arthur	Date	A5010 Williamson	Date
A3615 Longoria	Date	A4236 Reyna, Elvira	Date	A5000 Wilson	Date
A3620 Luna, Vilma	Date	A4260 Rhodes	Date	A5020 Wise	Date
A3715 Madden	Date	A4315 Rodriguez	Date	A5015 Wohlgemuth	Date
A3750 Marchant	Date	A4320 Roman	Date	A4980 Wolens	Date
A2700 Maxey	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3665 McCall	Date	A4420 Seaman	Date	A5025 Yarbrough	Date
A3650 McClendon	Date	A4460 Serna	Date	A5040 Zbraneck	Date

SENT TO SENATE

for chief clerk use only

Bill or Resolution Number:

1422

JOINT AUTHOR AUTHORIZATION

As primary author of HB 1422 I hereby authorize the following joint author(s):
(bill or resolution #)

Allen PLACE

printed name of joint author #1

Allen Place

signature of joint author #1

MAR 25 1997

printed name of joint author #2

signature of joint author #2

printed name of joint author #3

signature of joint author #3

printed name of joint author #4

signature of joint author #4

Allen Place

signature of primary author

3-25-97

date

HOUSE COMMITTEE REPORT

97MAR-9 PM 4:19
HOUSE OF REPRESENTATIVES

1st Printing

By Hightower

H.B. No. 1422

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AN ACT

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correctional officers employed by the Texas Department of Criminal
Justice for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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employed by the department who is the subject of a written
complaint made by or filed with the department may not be
suspended, discharged, or subjected to any other form of employment
discrimination by the department because the officer refuses to
take a polygraph examination.

SECTION 2. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.

H.B. No. 1422

COMMITTEE AMENDMENT NO. 1

Amend H.B. 1422 on page 1, lines 8 and 9, by striking "A
correctional officer employed by", and substituting "An employee
of" and on line 12, strike "officer" and substitute "employee".

Alexander

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

3/5/97
(date)

Sir:

We, your COMMITTEE ON CORRECTIONS

to whom was referred H.B. 1422 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.
- ☒ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☒ yes ☐ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.
- ☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

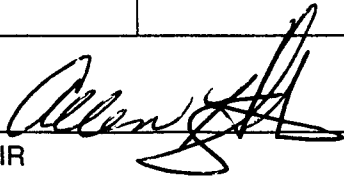
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hightower,Chair	X			
Allen, Vice-chair	X			
Alexander	X			
Edwards	X			
Farrar				X
Gray	X			
Hupp	X			
Marchant	X			
Serna				X

Total 7 aye
 0 nay
 0 present, not voting
 2 absent


CHAIR

BILL ANALYSIS

CORRECTIONS

H.B. 1422

By: Hightower

3-7-97

Committee Report (Amended)

BACKGROUND

Currently, polygraph examinations are not admissible in a court of law in this state, yet they may be used to terminate some employees. Polygraphs may be misused in some internal investigations and may be used to intimidate and abuse employees. Some people feel polygraphs are unreliable and should be discontinued from use in employee misconduct cases. The legislature has prohibited the use of polygraphs in investigations of peace officers employed by the Department of Public Safety and severely limited the use of polygraphs in certain police and sheriff's departments.

PURPOSE

This bill would prohibit TDCJ from suspending, discharging, or subjecting an employee to employment discrimination based on the employee's refusal to submit to a polygraph examination during the investigation of a complaint of misconduct.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 493, Government Code, by adding Section 493.022 which provides that a correctional officer employed by the Texas Department of Criminal Justice and who has had a written complaint made by or filed with the department, cannot be suspended, discharged, or subjected to any form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. Emergency clause.

EXPLANATION OF AMENDMENTS

Committee amendment number one provides that the new section apply to all employees of the TDCJ instead of just correctional officers.

SUMMARY OF COMMITTEE ACTION

HB 1422

March 5, 1997 10:30AM
Considered in public hearing
Testimony taken in committee
Amendment(s) considered in committee
Reported favorably as amended

WITNESS LIST

HB 1422
HOUSE COMMITTEE REPORT
Corrections Committee

March 5, 1997 - 10:30A

For: Hightower, Rep. Allen (himself)
Simmons, Richard (AFSCME)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

75th Regular Session

March 6, 1997

To: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422,
Committee Report 1st House, as
amended
By: Hightower

From: John Keel, Director

In response to your request for a Fiscal Note on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HB1422-Committee Report 1st House,
as amended**

No significant fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 696 Department of Criminal Justice

LBB Staff: JK, CB, JN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

75th Regular Session

March 3, 1997

To: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422
By: Hightower

From: John Keel, Director

In response to your request for a Fiscal Note on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1422-As Introduced

No significant fiscal implication to the State is anticipated.

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Source: Agencies: 696 Department of Criminal Justice

LBB Staff: JK, CB, JN

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

March 6, 1997

TO: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422,
Committee Report 1st House, as
amended
By: Hightower

FROM: **John Keel**, Director

In response to your request for a Criminal Justice Policy Impact Statement on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

February 28, 1997

TO: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422
By: Hightower

FROM: **John Keel**, Director

In response to your request for a Criminal Justice Policy Impact Statement on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LIST OF HOUSE AMENDMENTS CURRENTLY UNDER CONSIDERATION

HB1422-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Alexander	Comm Amdt	Adopted



AMENDMENT NO. ①

COMMITTEE AMENDMENT NO. 1

Alexander

Amend H.B. 1422 on page 1, lines 8 and 9, by striking "A correctional officer employed by",
and substituting "An employee of" and on line 12, strike "officer" and substitute "employee".

ADOPTED

MAR 2 5 1997

Sharon Carter
Chief Clerk
House of Representatives

9 1

By Hightower

H.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.022 to read as follows:

Sec. 493.022. POLYGRAPH EXAMINATION. An employee of the department who is the subject of a written complaint made by or filed with the department may not be suspended, discharged, or subjected to any other form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HOUSE ENGROSSMENT

By Hightower, Place, et al.

H.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.022 to read as follows:

Sec. 493.022. POLYGRAPH EXAMINATION. An employee of the department who is the subject of a written complaint made by or filed with the department may not be suspended, discharged, or subjected to any other form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

1-1 By: Hightower, Place, et al. H.B. No. 1422
1-2 (Senate Sponsor - Whitmire)
1-3 (In the Senate - Received from the House April 1, 1997;
1-4 April 2, 1997, read first time and referred to Committee on
1-5 Criminal Justice; May 7, 1997, reported favorably by the following
1-6 vote: Yeas 4, Nays 0; May 7, 1997, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to prohibiting employment discrimination against certain
1-10 employees of the Texas Department of Criminal Justice for refusing
1-11 to take a polygraph examination.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 493, Government Code, is amended by
1-14 adding Section 493.022 to read as follows:

1-15 Sec. 493.022. POLYGRAPH EXAMINATION. An employee of the
1-16 department who is the subject of a written complaint made by or
1-17 filed with the department may not be suspended, discharged, or
1-18 subjected to any other form of employment discrimination by the
1-19 department because the employee refuses to take a polygraph
1-20 examination.

1-21 SECTION 2. The importance of this legislation and the
1-22 crowded condition of the calendars in both houses create an
1-23 emergency and an imperative public necessity that the
1-24 constitutional rule requiring bills to be read on three several
1-25 days in each house be suspended, and this rule is hereby suspended,
1-26 and that this Act take effect and be in force from and after its
1-27 passage, and it is so enacted.

1-28 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1422
By Hightower et al. / Whitmire
(Author/Senate Sponsor)
5-7-97
(date)

Sir:

We, your Committee on CRIMINAL JUSTICE, to which was referred the attached measure,
have on May 6, 1997, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Whitmire, Chairman	<input checked="" type="checkbox"/>			
Senator Shapiro, Vice-Chairman			<input checked="" type="checkbox"/>	
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Nelson	<input checked="" type="checkbox"/>			
Senator Patterson	<input checked="" type="checkbox"/>			
Senator Shapleigh	<input checked="" type="checkbox"/>			
Senator West			<input checked="" type="checkbox"/>	
TOTAL VOTES	4	0	3	0

COMMITTEE ACTION

~~S260~~ Considered in public hearing

~~S270~~ Testimony taken

Laura Aspell
COMMITTEE CLERK

John Whitmire
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HB 1422
SENATE COMMITTEE REPORT
Criminal Justice Committee

May 6, 1997 - 8:30A

For: Carrasco, Carlos (AFSCME), Huntsville

Registering, but not testifying:

For: Simpson, Dee (AFSCME), Austin

Zivley, Lane A. (TX Public Employee Assn), Austin

BILL ANALYSIS

Senate Research Center

H.B. 1422
By: Hightower (Whitmire)
Criminal Justice
4-25-97
Engrossed

DIGEST

Currently, polygraph examinations may be used by the Texas Department of Criminal Justice (department) to terminate employees. Polygraph examinations may be misused in some internal investigations and may be used to intimidate and abuse employees. Some people feel polygraphs are unreliable and should be discontinued from use in employee misconduct cases. This bill would prohibit the department from suspending, discharging, or subjecting an employee to employment discrimination based on the employee's refusal to submit to a polygraph examination during the investigation of a complaint of misconduct.

PURPOSE

As proposed, H.B. 1422 prohibits the Texas Department of Criminal Justice from suspending, discharging, or subjecting an employee to employment discrimination based on the employee's refusal to submit to a polygraph examination during the investigation of a complaint of misconduct.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 493, Government Code, by adding Section 493.022, as follows:

Sec. 493.022. POLYGRAPH EXAMINATION. Prohibits an employee of the Texas Department of Criminal Justice (department) who is the subject of a written complaint made by or filed with the department from being suspended, discharged, or subjected to any other form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. Emergency clause.
Effective date: upon passage.

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
75th Regular Session**

April 7, 1997

To: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: House Bill No. 1422, As
Engrossed
By: Hightower

From: John Keel, Director

In response to your request for a Fiscal Note on HB1422 (Relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1422-As Engrossed
--

No significant fiscal implication to the State is anticipated.

No fiscal implication to units of local government is anticipated.

Source: Agencies:

LBB Staff: JK, CB, JN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 6, 1997

To: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422,
Committee Report 1st House, as
amended
By: Hightower

From: John Keel, Director

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as amended**

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Source: Agencies: 696 Department of Criminal Justice

LBB Staff: JK, CB, JN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 3, 1997

To: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422
By: Hightower

From: John Keel, Director

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Source: Agencies: 696 Department of Criminal Justice
LBB Staff: JK, CB, JN

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

April 4, 1997

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: House Bill No. 1422, As
Engrossed
By: Hightower

FROM: **John Keel**, Director

In response to your request for a Criminal Justice Policy Impact Statement on HB1422 (Relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

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LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

March 6, 1997

TO: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422,
Committee Report 1st House, as
amended
By: Hightower

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In response to your request for a Criminal Justice Policy Impact Statement on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD
Criminal Justice Policy Impact Statement

February 28, 1997

TO: Honorable Allen Hightower, Chair
Committee on Corrections
House
Austin, Texas

IN RE: House Bill No. 1422
By: Hightower

FROM: **John Keel**, Director

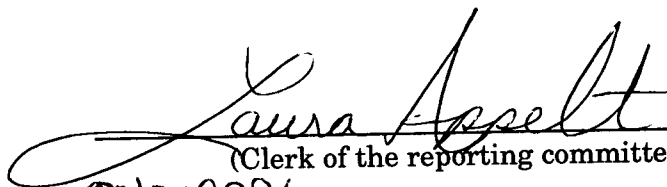
In response to your request for a Criminal Justice Policy Impact Statement on HB1422 (Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACE/MENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1422, by: Hightower et al / Whitmire,
(Bill No.) (Author/Sponsor)
was heard by the Criminal Justice Committee on May 6, 1997,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM AND ~~TEN (10) COPIES~~ ^{ONE COPY} OF YOUR BILL/RESOLUTION
(COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION COMMITTEE
OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR
BASIS.

4

H.B. No. 1422

AN ACT

relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.022 to read as follows:

Sec. 493.022. POLYGRAPH EXAMINATION. An employee of the department who is the subject of a written complaint made by or filed with the department may not be suspended, discharged, or subjected to any other form of employment discrimination by the department because the employee refuses to take a polygraph examination.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

H.B. No. 1422

President of the Senate

Speaker of the House

I certify that H.B. No. 1422 was passed by the House on March 26, 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1422 was passed by the Senate on May 15, 1997, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1422⁽¹⁾ was passed by the House

on March 26⁽²⁾, 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1422⁽³⁾ was passed by the Senate

on May 15⁽³⁾, 1997, by the following vote:

Yeas 30⁽⁴⁾, Nays 1⁽⁵⁾.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26;

A BILL TO BE ENTITLED
AN ACT

Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.

FEB 18 1997

Filed with the Chief Clerk

FEB 20 1997

Read first time and referred to Committee on Corrections

MAR 5 1997

Reported favorably (as amended)
(~~as substituted~~)

MAR 10 1997

Sent to Committee on (Calendars)
(~~Local & Consent Calendars~~)

MAR 25 1997

Read second time (~~comm. subst.~~) (amended); passed to third reading (~~failed~~) by a (non-record vote)
(~~record vote~~ of yeas, nays, present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

MAR 26 1997

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)
(~~record vote~~ of yeas, nays, present, not voting)

MAR 26 1997

Engrossed

APR 01 1997

Sent to Senate



CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 1 1997

Received from the House

APR 2 1997

Read and referred to Committee on CRIMINAL JUSTICE

MAY 07 1997

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 15 1997

Senate and Constitutional Rules to permit consideration suspended by unanimous consent
(yeas, nays)

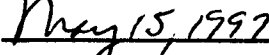
MAY 15 1997

Read second time, , and passed to third reading by unanimous consent
(a viva voce vote)
(yeas, nays)

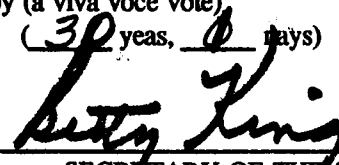
MAY 15 1997

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 15 1997

Read third time, , and passed by (a viva voce vote)
(31 yeas, 0 nays)

Returned to the House



SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 15 1997

Returned from the Senate ~~(unanimous)~~
~~(unanimous)~~

House concurred in Senate amendments by a (non-record vote)

(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

Conference committee report adopted (rejected) by the House by a (non-record vote)

(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)

(record vote of _____ yeas, _____ nays)

97 MAR -9 PM 4:11
HOUSE OF REPRESENTATIVES